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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,726	03/15/2004	George R. Claseman	MIC-M095	1824

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EXAMINER	
NGUYEN, HANH N	
ART UNIT	**PAPER NUMBER**
2616	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/801,726	CLASEMAN, GEORGE R.	
	Examiner	Art Unit	
	Hanh Nguyen	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Application filed on 3/15/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/15/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: "A management system **coupled** to a first and a second network element connected to a data communication network..." is suggested to be amended as " A management system **comprises** a first and a second network element connected to a data communication network..". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6, 7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6 and 15, what is meant by " personality artifacts of the network elements".

Claims 7 and 16-26 are rejected because they depend on claims 6 and 15 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hericourt (US Pat. 6,792,461 B1).

In claims 1 and 15, Hericourt discloses a management system (see fig.4) coupled to a first network element (work station 401) connected to a data communication network (Internet network 404) and being managed by a network manager (web server 405) also connected to the data communication network (Internet network 404), the management system (system in fig.4) comprising:

a management network (Intranet 402) coupled to the first network element (work station 401), the management network supporting a standardized network interface (IP router 406); and a processor element (proxy server 403) coupled to the management network (coupled to intranet 402) and communicating with the first network element through the management network (communicating with work station 401 through intranet 402), the processor element (proxy server 403) being capable of processing management transactions (processing request for a Web page from work station 401, retrieves the Web page from local cache, or forwards the request to Web system 405 for returned response), wherein a first management transaction (requested web page) is transmitted to the first network element (work station 401) from the network manager (web system 405) through the data communication network (Internet 404), the first management transaction (requested web page) is transmitted through the management network to the processor element (proxy server 403), and the processor element (proxy 403) processes the first management transaction on behalf of the first network element (forwading the requested web page to work station 401). See col.11, lines 5-30.

Hericourt does not disclose a second management transaction is transmitted to the second network element and processed by the processor element. Adding multiple work stations 401 whose requests and responses are processed by the proxy server is well-known to one skilled in

the art. In addition, the system of Hericourt comprises multiple proxies 403 used for load balancing / sharing (see col.9, lines 60-65). Therefore, it would have been obvious in Hericourt to transmit/service different transactions to different respective network elements simultaneously and save waiting time.

In claim 8, the limitation of this claim has been addressed in claim 1.

Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hericourt (US Pat. 6,792,461 B1) in view of O'Neil et al. (US pat. 6,128,279).

In claim 19, as disclosed by Hericourt in the rejection of claims 1, 15, Hericourt does not disclose at each processor element, receiving messages from the other ones of the plurality of processor element identifying the presence of the processor elements; and selecting a first processor element as the primary processor element for operating to at least manage the functions of the other of the plurality of processor elements. O'Neil et al. discloses a load balance system in fig.2A that receiving messages from the other ones of the plurality of processor element identifying the presence of the processor elements (steps S207 and S208; determining whether any of servers is off-line such as overload, power-down, malfunctioning, etc; or on-line such as having smallest load; the status of server is determined by comparing various loads between servers; see col.7, lines 5-25). O'neil further discloses selecting a first processor element as the primary processor element for operating to at least manage the functions of the other of the plurality of processor elements (see fig.2A, step S208, S209; after determining a server with a smallest load, network request is routed to the smallest load server; see col.7, lines 25-30). Since both Heiroute and O'Neil disclose servers (processing elements) operating to balance / share network loads by selecting a smallest load server to service the

network request, therefore, it bwould have been obvious to combine the two systems in order to select one smallest load server as a primary server and another one as a redundant server to service the network requests in case the the primary server is unable to carry the load.

In claims 20 and 21, as disclosed in the rejections of claim 19, O'Neil discloses transmitting a broadcast message to the processor elements (see fig.2A, steps S207 and S208; see col.7, lines 5-30).

In claims 9-12 and 24, the limitations of these claims have been addressed in claims 1, 19.

In claims 13, 14, the limitations of these claims have been addressed in claims 1.

In claim 2, 4, 16-18, 22, 25, 26, the limitations of these claims have been addressed in claim 1.

In claim 3, as disclosed in prior art (fig.1 of the specification), the network element 14 has a processor 16 (embeded processor).

In claim 5, since the work station transmits request in Ip datagram, therefore,it is configured with ethernet interface inherently.

In claim 6, Hericourt discloses the first and second network elements and the processor element communicate using a data frame (fig.3, IP datagram) of the standardized network interface, the data frame comprising a header field (fig.3, header 302) specifying the source and destination addresses (source IP address 310 and destination Ip address 311), the length of the data frame, a protocol identifier field for (TCP/IP protocol) identifying the communication protocol being used,.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bector et al. (US Pat. 6,687,732 B1);

Kalpio et al. (US Pat. 6,343,323 B1) ;

Knauerhaseet al. (US pat. 6,345,303 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Friday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571 272 7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen

HANH NGUYEN
PRIMARY EXAMINER